

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	CHAPTER 13
JOSEPH GRASSO,	:	
DEBTOR.	:	BANKRUPTCY No. 12-11063-MDC
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THE SHERWIN WILLIAMS COMPANY,	:	
PLAINTIFF,	:	
V.	:	ADVERSARY No. 12-00394-MDC
JOSEPH GRASSO,	:	
DEFENDANT.	:	
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ORDER

AND NOW, upon consideration of the Motion for Default Judgment or in the alternative for Partial Summary Judgment dated March 11, 2013 [Docket No. 40] (the “Motion”), filed by the Sherwin Williams Company (the “Movant”);

AND, the Motion seeks a determination that the Movant’s claim is not dischargeable pursuant to §§523(a)(2)(A), 523(a)(4) or 523(a)(6);

AND, upon receipt of the Answer in Opposition dated April 18, 2013[Docket No. 63] (the “Response”) filed by Joseph Grasso (the “Debtor”);

AND, upon the appearance of all interested parties at a hearing on the Motion before this Court held on May 8, 2013;

AND, Fed. R. Civ. P. Rule 56(g), applicable in adversary proceedings pursuant to Fed. R. Bankr.P. 7056, provides that “[i]f the court does not grant all the relief requested by the motion, it may enter an order stating any material fact—including an item of damages or other relief—that is not genuinely in dispute and treating the fact as established in the case;”

AND, having considered the issues raised by the Motion and after due deliberation and sufficient cause;

IT IS HEREBY ORDERED AND DETERMINED THAT:

1. The Motion is **DENIED**.
2. Pursuant to Fed. R. Civ. P. 56(g), this Court will treat those facts identified in the accompanying memorandum as not generally in dispute and as established in this case.

Dated: July 3, 2013

A handwritten signature in black ink, reading "Magdeline D. Coleman", with a long horizontal flourish extending to the right.

MAGDELINE D. COLEMAN
UNITED STATES BANKRUPTCY JUDGE